
OLR Bill Analysis

sSB 1104 (as amended by Senate “A” and House “A”)*

AN ACT CONCERNING CHARTER SCHOOLS.

SUMMARY:

This bill establishes a charter school educator permit and allows the education commissioner, starting in the 2011-12 school year, to issue such a permit to someone employed by a charter school as a teacher or administrator and who lacks the required state certification for the position. The permit allows a person to work in a charter school as a teacher or administrator.

The commissioner can issue the permit at the request of a charter school governing council to such an employee, if the person meets the bill’s qualifications. But the bill limits the number of teachers and administrators who may hold the permit in any year to no more than 30% of a charter school’s teachers and administrators combined.

The bill also makes anyone holding a charter school educator permit a member of the appropriate teachers’ or administrators’ unit for collective bargaining purposes. It requires a permit holder to become a member of the Teachers’ Retirement System (TRS) when he or she obtains a certificate from the State Board of Education (SBE). By law, only certified teachers and administrators may participate in the TRS.

Current law requires all teachers and administrators working in charter schools to hold either (1) the proper state certification for their positions or (2) a temporary 90-day or a temporary nonrenewable state certificate (see BACKGROUND). Under current law, at least half of those providing instruction or pupil services at a charter school must have the proper certification for the positions they hold, and no more than half may be working under the temporary certificates.

*Senate Amendment “A”:

1. requires a noncertified teacher or administrator working at a charter school to hold a charter school educator permit rather than only a state certification waiver as allowed by the original bill;
2. limits the total number of employees in any charter school who may hold the permits to 30% of a charter school's teachers and administrators combined rather than to 15% of each group;
3. adds the provisions on bargaining units and TRS membership; and
4. eliminates a provision expressly authorizing an administrator who holds a certification waiver to supervise, and evaluate the performance of, anyone who teaches or provides other pupil services at the charter school where the administrator works.

*House Amendment "A" expressly includes, as members of the appropriate collective bargaining unit, teachers and administrators who (1) hold charter school educator permits and (2) are employed by charter schools rather than boards of education or school districts.

EFFECTIVE DATE: July 1, 2011

CHARTER SCHOOL EDUCATOR PERMIT

Permit Qualifications

Under the bill, the education commissioner can waive required state certification for a charter school teacher or administrator who holds a charter school educator permit. To receive a permit, the teacher or administrator must:

1. either pass the state reading, writing, and math competency test for teacher certification candidates (currently Praxis I) or meet SBE criteria for a testing waiver;
2. pass the same state test as a teacher or administrator certification candidate seeking to work in the same subject or administrative area (currently the appropriate Praxis II subject

test); and

3. demonstrate effectiveness as a teacher or school administrator, as appropriate.

Permit Renewals

The bill allows the commissioner to renew permits, at the charter school's request and for good cause, when SBE renews the charter for the school where the teacher or administrator is employed. By law, most charters are renewable every five years.

Collective Bargaining Units

Under current law, only professional employees holding a state administrator or teaching certificate or durational shortage area permit are included in bargaining units under the Teacher Negotiation Act (TNA), the state law that governs teacher collective bargaining.

This bill adds those holding charter school educator permits and employed by charter schools to TNA administrator and teacher bargaining units, thus including them in collective bargaining agreements governing wages, hours, and working conditions. To be a member of the administrators' unit, a charter school employee must also hold a position requiring (1) a charter school educator permit or state intermediate administrator or supervisor certificate or its equivalent and (2) that the administrator spend at least 50% of his or her assigned time on administrative or supervisory duties. To be a member of a teachers' unit, a charter school employee must hold, and be employed in a position requiring, a state teaching certificate, durational shortage area permit, or charter school educator permit.

BACKGROUND

Temporary 90-Day Certificate

By law, SBE may issue a temporary 90-day teaching certificate at the written request of an employing board of education or charter school to an applicant who successfully completes an SBE-approved alternative route to certification program and who:

1. holds a bachelor's degree from an accredited higher education institution, with a major in or closely related to the subject or certification endorsement area in which the person will be placed, or if the person will be working in a secondary subject or special endorsement area, has either the minimum number of semester hours required for that area or receives a waiver of the requirement after achieving an excellent score on the SBE-designated subject area test;
2. passes the state's required teacher competency and subject area tests;
3. has an undergraduate grade point average (GPA) or, if the person has at least 24 graduate credits a graduate GPA, of at least B; and
4. demonstrates appropriate experience working with children.

The commissioner can waive the last two requirements for good cause.

A person holding a 90-day temporary certificate must complete a special teacher education and mentoring program for such certificate holders. In addition, the employing board or charter school must attest that it has a special plan for supervising the person.

The state board may issue a temporary 90-day certificate in any of the following endorsement areas: elementary education, middle grades education, secondary academic subjects, special subjects or fields, special education, early childhood education, or administration and supervision (CGS § 10-145b(c)(1) & (2); Conn. Agency Regs., § 10-145d-414).

Nonrenewable Temporary Certificate

SBE may issue a nonrenewable temporary teaching certificate, good for one year, to an applicant:

1. who lived in another state in the year before applying, is

certified in that state, taught successfully for at least a year at a public or approved private school there, and meets all requirements for Connecticut certification except passage of the competency and subject tests;

2. who graduated from an out-of-state teacher preparation program and meets all requirements for Connecticut certification except the competency and subject tests; or
3. hired by a charter school after July 1 for a teaching position in the coming school year who can reasonably be expected to meet the same requirements listed above for a temporary 90-day certificate by the beginning of the following school year (CGS § 10-145f(c)).

Charter Schools

A charter school is a nonsectarian public school organized as a nonprofit corporation and operated independently of a local or regional board of education. The SBE grants and renews the charters, usually for five years and, as part of the charter, may waive certain statutory requirements applicable to other public schools. A charter school may enroll students in pre-kindergarten through grade 12 in accordance with its charter.

Charter schools are open to all students, including special education students, though they may limit the geographic areas from which students may attend. If a school has more applicants than spaces, it must admit students through a lottery.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 27 Nay 5 (03/25/2011)